

**TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE**



FISCAL NOTE

HB 2951 - SB 2875

March 5, 2012

SUMMARY OF BILL: Creates a fee, up to \$25, for confidential mental health records, if the records are sought for genealogical research and the patient has been deceased for more than 50 years. The records may be distributed only to the extent that federal law allows and the information is limited to the date the patient was committed; the reason for the patient's commitment; who committed the patient; the date the patient checked out of the hospital; the patient's date of birth; and the patient's date of death and burial location.

ESTIMATED FISCAL IMPACT:

NOT SIGNIFICANT

Assumptions:

- According to the Department of Mental Health (DMH), the Health Insurance Portability and Accountability Act (HIPAA) and substance abuse confidentiality statutes and rules will prohibit the disclosure of mental health records to the public, even after a period of 50 years.
- According to DMH, most state health records will have been destroyed in accordance with the records disposition authority, which allows medical records to be disposed of 10 years following the last discharge of a patient from a regional mental health institute.
- Any records that can be provided will be minimal. It is estimated that any fee revenue collected will not be significant.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, appearing to read "Lucian D. Geise".

Lucian D. Geise, Executive Director

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